

CHAPTER NO. 221

SENATE BILL NO. 396

By Norris, Fowler

Substituted for: House Bill No. 590

**By Todd, Maddox, Overbey, Sargent, Montgomery, Pinion, Hagood, Kent, McMillan,
Head, Rinks, Godsey, Davis, Hargett, Stanley, Vaughn, Pleasant, Phillip Johnson,
Baird, Roach,
Russell Johnson, Patton**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 30, relative to the fraudulent enrollment of students in a school district.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3003, is amended by adding the following language as a new subsection (c):

(c) Any parent, guardian, or other legal custodian who enrolls an out-of-district student in a school district and fraudulently represents the address for the domicile of the student for enrollment purposes is liable for restitution to the school district for an amount equal to the local per pupil expenditure identified by the Tennessee Department of Education for the district in which the student is fraudulently enrolled. Any parent, guardian, or other legal custodian who enrolls an out-of-state student in a school district and fraudulently represents the address for the domicile of the student for enrollment purposes is liable for restitution to the school district for an amount equal to the state and local per pupil expenditure identified by the Tennessee Department of Education for the district in which the student is fraudulently enrolled.

Restitution shall be cumulative for each year the child has been fraudulently enrolled in the system. Such restitution shall be payable to the school district and, when litigation is necessary to recover restitution, the parent, guardian, or other legal custodian shall be liable for costs and fees, including reasonable attorneys' fees, incurred by the school district. Such an action for restitution shall be brought by or on behalf of the district in the circuit or chancery court in which the district is located within one (1) year of the date the fraudulent representation occurred or was discovered, whichever is later. In no event shall any such action be brought more than six (6) years after the date on which the fraudulent enrollment occurred.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: May 15, 2003



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of June 2003



PHIL BREDEBEN, GOVERNOR